

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 14-1578 (DSD/BRT)

Anthony Steven Hill,

Plaintiff

v.

ORDER

Leon Malachinski; T. Warner;
MN D.O.C.; Kristofer Lund;
Vickie Pohlmann; Sgt. Conner;
Nurse Karow, and Unknown
Watch Commander,

Defendants.

Anthony Steven Hill, #229986, MCF-Faribault, 1101 Linden Lane,
Fairbault, MN 55021, pro se plaintiff.

Andrea P. Hoversten, Esq. and Geraghty, O'Loughlin & Kenney,
P.A., 55 East Fifth Street, Suite 1100, St. Paul, MN 55101;
Jonathan D. Moler, Minnesota Attorney General's Office, Suite
900, 445 Minnesota Street, Suite 900, St. Paul, MN 55101,
counsel for defendants.

This matter is before the court upon the objections by pro se
plaintiff Anthony Steven Hill to the December 30, 2015, report and
recommendation (R&R) of Magistrate Judge Becky R. Thorson. The
magistrate judge recommended that the court grant defendants'
motions for summary judgment and dismiss the action with prejudice.
Hill objects to the R&R.

The court reviews the R&R de novo. 28 U.S.C. § 636(b)(1)(C);
Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). After a thorough
review of the file and record, the court finds that the report and
recommendation is well-reasoned and correct. Hill argues that the

magistrate judge erred in concluding that he failed establish that defendants were deliberately indifferent to his serious medical needs, and therefore subjected him to cruel and unusual punishment in violation of the Eighth Amendment.¹ The court disagrees.

As discussed in detail in the R&R, the record amply establishes that defendants were attentive and responsive to Hill's medical needs and provided him with medical care well within the bounds of the Constitution. Further, Hill's disagreement with his medical treatment is insufficient to constitute a constitutional violation. See Scott v. Benson, 742 F.3d 335, 340 (8th Cir. 2014) (quoting Nelson v. Shuffman, 603 F.3d 439, 449 (8th Cir. 2010)) (A "mere difference of opinion over matters of expert medical judgment or a course of medical treatment fail[s] to rise to the level of a constitutional violation.").

Accordingly, **IT IS HEREBY ORDERED** that:

1. The objection [ECF No. 89] to the R&R are overruled;
2. The R&R [ECF No. 88] is adopted in its entirety;
3. The motions for summary judgment [ECF Nos. 64, 77] are granted;

¹ Hill does not object to the R&R's determination that the Eleventh Amendment and the Prison Litigation Reform Act's exhaustion requirement bar his claims against defendants Minnesota Department of Corrections, Sergeant Connors, Nurse Karow, and Officer Pohlmann.

4. The motion in opposition to summary judgment [ECF No. 79]
is denied; and
5. The action is dismissed with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 25, 2016.

s/David S. Doty
David S. Doty, Judge
United States District Court